

APPENDIX

MISSOURI STATUTES ON ORGANIZATION OF MUNICIPALITIES AND SUBDIVISIONS

71.340. Construction and repair of public roads etc.— annual appropriation

The mayor and city council of any city or the chairman and board of trustees of any incorporated town or village shall have the power to annually appropriate and pay out of the treasury of such city or incorporated town or village a sum of money, not to exceed ten per cent of the annual general revenue thereof, for the purpose of constructing, building, repairing, working, grading or macadamizing any public road, street and highway and any bridge thereon leading to and from such city or incorporated town or village; and such appropriation shall be made by ordinance and the money so appropriated shall be applied under the supervision and direction of the engineers of such city or incorporated town or village, and of the county highway engineer of the county in which such city, town or village is located, or of some competent person selected by such city, town or village and approved by the county highway engineer, who shall make a report thereof, in writing, to the mayor and city council of such city, or to the chairman and board of trustees of such incorporated town or village; but this privilege shall not extend to a greater distance than five miles from the corporate limits of such city, town or village, and shall not be construed so as to allow any obstruction to or inter-

ference with the free use of any such public road, street or highway by the public, except so far as may be necessary while such work is being done, and further shall not be construed to affect the liability of such city, town or village, which liability shall be the same as if such roads, streets and highways were inside the city limits.

71.370. Contracts for fire protection between incorporated cities

Any incorporated city in this state having a fire department may contract to furnish fire protection to any other incorporated city or cities in this state, whether or not such other incorporated city or cities have a fire department.

71.380. Fire protection contracts.

Any two or more incorporated cities wishing to take advantage of sections 71.370 to 71.390, may, by ordinance duly enacted in each of such cities, agree upon the terms upon which such fire protection shall be furnished, and such agreement may, where two or more such cities have fire departments, include an interchange of the service of such fire departments upon such terms as is agreed upon; or such agreement may provide for the payment of a stated sum per month or per year, or a stated sum per fire, or any other method of compensation for such fire protection that is agreed upon by the two or more incorporated cities entering into such contract; provided, that any contract for a longer period than five years shall have no binding force until ratified by a majority of the qualified voters voting at an election called for that purpose in each of the cities entering into such contract.

72.040. Cities of fourth class.

All cities and towns in this state containing five hundred and less than three thousand inhabitants, and all towns existing under any special law, and having less than five hundred inhabitants, which shall elect to be cities of the fourth class, shall be cities of the fourth class.

80.180. Trustees—powers as to sidewalks

Such board of trustees of any incorporated town or village in this state shall have power, by ordinance, to cause the owner or owners of any property or lot adjacent to any street or alley in said town or village to build, pave, construct, improve or repair any sidewalk along the side of said property or lot in such town or village.

80.260. Chairman of board—duties

The chairman of the board of trustees shall be a conservator of the peace, and shall have exclusive original jurisdiction to hear and determine all offenses against the ordinances of the town. He shall keep a docket in which he shall enter every cause commenced before him. He shall provide, at the expense of the town, a suitable room in which to hold his court, and his office shall be open every day, except Sunday, for the immediate trial, unless continued for good cause, of offenses against the ordinances of such town. He shall, at the expense of such town, procure a suitable docket, and shall transmit said docket and books and papers pertaining to his office, to his successor in office.

80.470. Additional levies—maximum rates

In addition to the levy aforesaid for general municipal purposes, all towns and villages in this state may levy annually not to exceed the following rates of taxa-

tion on all property subject to its taxing powers for the following special purposes: For library purposes in the manner and at the rate authorized under the provisions of sections 182.140 to 182.280, or amendments thereto; for hospital, public health and museum purposes, twenty cents on the one hundred dollars assessed valuation; and for recreation grounds in the manner and at the rate authorized under the provisions of sections 90.500 to 90.570.

80.480. Assessment and collection of revenues

All assessments on real and personal property within the limits of such town, which may be certified and transmitted to the board of trustees, from time to time, as provided in section 80.460, shall be taken and considered as the lawful and proper assessment on which to levy and collect the municipal taxes of the town, and the payment of all taxes authorized by this chapter shall be enforced by the collector in the same manner and under the same rules and regulations as may be provided by law for collecting and enforcing the payment of state and county taxes, and for that purpose it shall be the duty of the board of trustees to require the collector, annually, to make out and return, under oath, a list of delinquent taxes remaining due and uncollected on the first day of January of each year, to be known as the delinquent list. It shall be the duty of the board of trustees, at the next meeting after such delinquent list shall be returned, or as soon thereafter as convenient, carefully to examine the same, and if it shall appear that all property and taxes contained in said list are properly returned as delinquent, they shall approve such list and cause an order of approval to be entered on the journal, and the amount of taxes in such list to be credited on the account of the collector; and shall

also cause said delinquent list or a certified copy thereof, with the bills therefor, to be placed in the hands of the county collector, who shall give a receipt therefor and proceed to collect the taxes due thereon, in like manner and with the same effect as delinquent taxes for state and county purposes are collected. The said collector shall pay over the taxes collected to the city treasurer, at the times and in the manner provided by law for the payment of county taxes to the county treasurer, and shall make the same statements and settlements for such taxes with the board of trustees, and at the same time as may be provided by law for statements and settlements with the county court for county taxes, and all taxes shall bear the same rate of interest, and the same penalties shall attach to the nonpayment thereof when due, as may be provided by law in cases of county taxes. A certified copy of any tax bill included in the delinquent list, approved by the board of trustees, shall in all cases be prima facie evidence that the amount therein specified is legally due by the party against whom such tax bill is made out, and that all provisions of the law and ordinances have been duly complied with, and that the same is a lien on the property therein described.

80.490. Trustees—taxing powers

The board of trustees shall also, from time to time, provide, by ordinance, for the levy and collection of all other taxes and licenses, including poll taxes, wharfage and other dues, and to fix the penalties for neglect or refusal to pay same, which now or hereafter may be authorized by law or ordinance. All able-bodied male persons, between the age of twenty-one and fifty years, who may have resided within the corporate limits of such village thirty

days next preceding the levy of any poll tax for any given year, shall be liable to work on the streets and alleys of such village not to exceed three days, or to pay such sum in lieu thereof as may be provided by ordinance, not in any case, however, to exceed the sum of three dollars; and upon failure to pay such poll tax, either in cash or by labor, when notified so to do, according to law and the ordinance of such village, it shall be the duty of the town marshal, when ordered so to do by the board of trustees of such village, to bring suit before some magistrate, if there be any in such village, and if not, then before some magistrate nearest such village, and proceedings shall be had thereon the same as in other civil cases; and no property shall be exempt from seizure and sale upon any execution issued upon any judgment rendered for such poll tax.

89.030. Zoning districts

For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 89.010 to 89.140; and within such districts may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

89.040. Purpose of regulations

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentra-

tion of population; to preserve features of historical significance to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality.

90.010. Parks—establishment, maintenance

Whenever any city desires to establish a park or pleasure grounds, the common council or mayor and board of alderman of such city is hereby authorized and empowered to acquire property for such purposes by gift, purchase or condemnation of lands in such city or within one mile thereof; and for that purpose may borrow money and issue bonds in payment thereof, and shall by ordinance describe the metes and bounds of such lands to be purchased or condemned. Lands owned by such city may by ordinance be converted, set aside or appropriated for parks or pleasure grounds. Such city may levy an annual tax not to exceed two mills on the dollar for the maintenance of such parks or pleasure grounds, and such tax shall be levied and collected in like manner with other general taxes of such city and shall be known as the park fund.

ST. LOUIS COUNTY ORDINANCES

Chapter 1005 Subdivision Regulations

Section

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1005.010 Adoption of Regulations, Plans and Orders.—The existing Subdivision Regulations adopted January 19, 1943, the Order Establishing Building and Setback Lines Along Major Highways in the Unincorporated Area of St. Louis County, made and entered by the County Court at its May term 1943, the Major Highway Plan adopted December 8, 1942, as amended, and the Comprehensive Major Airport Plan adopted by the St. Louis County Planning Commission on April 23, 1943, together with all amendments thereof and all regulations and rules now in force pertaining thereto, are hereby declared to be in full force and effect in St. Louis County and are hereby approved and ratified. (O. No. 429, s.1)

1005.020 Purposes of Regulations.—In order to promote the health, safety, convenience and general welfare of the inhabitants of St. Louis County, and to guard against the creation of slums, blighted areas

or deficit districts by assisting in bringing about the co-ordinated, efficient and economical development of the unincorporated portion of the county the following regulations and minimum standards have been adopted by the St. Louis County Planning Commission.

General: It is suggested that each subdivider of land confer with the Commission, its Committee on Highways and Subdivisions or its staff, before preparing the preliminary plan, in order to become thoroughly familiar with subdivision requirements and with the proposals of the official master plan affecting the territory in which the proposed subdivision lies.

1005.030. Definitions.—1. For the purpose of these regulations, a subdivision of land is: (1) The division of land into two or more tracts, sites or parcels of three acres or less in area; (2) the division of land into tracks of more than three acres where the proposed lot frontage is less than 300 feet; (3) dedication or establishment of a road, highway or street through a tract of land regardless of area, and (4) resubdivisions of land heretofore divided or platted into lots, sites, or parcels, containing one acre or more or a total area of one acre or more.

(Note: Any sale or contract of sale or agreement to purchase any lot or division of land either by lot description or by metes and bounds as defined in the preceding portion of this section shall constitute a subdivision of land and require, prior to any sale or contract of sale or agreement to purchase and before the delivery of a deed the submission of a plat to the Commissioner as required by law; provided, however, that this shall not apply to land in subdivisions previously recorded, to sales of land used or to be used for orchards, forestry or the raising of crops, upon

certification by the Commission or to the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, or upon certification which must be granted by the Commission.)

2. Major Highway—A highway shown on the Major Highway Plan adopted by the Commission on December 8th, 1942, or a revision thereof.

3. Superhighway—A Highway shown on the Major Highway Plan adopted by the Commission on December 8th, 1942, or any revision thereof, which highway has an existing or proposed width of one-hundred-and-sixty feet or more.

4. Parkway—A route intended to be used primarily by passenger vehicles which may have a varying width of right-of-way and which right-of-way is or is intended to be developed with a park-like character.

5. Whenever the word "Commission" is used in these rules and regulations, it shall be deemed to refer to the County Planning Commission of St. Louis County, Missouri.

1005.040 Approval of Subdivision Plats.—Every subdivision of land within the unincorporated area of St. Louis County shall be shown upon a plat and submitted to the Commission for approval or disapproval. Any plat which has been approved by the Commission and its approval endorsed therein in writing shall be submitted to the County Court for its consideration, approval or disapproval. If the Commission does not approve the plat or if the legislative body or an incorporated area files a written protest with either the Commission or the County Council against any plat within one-and-one-half miles of its border it may then be approved by the County Council only in accordance with the provisions of Section 64.070, RSMo. 1949. No

plat shall be recorded in the office of the Recorder of Deeds and no lots shall be sold from such plat unless and until approved as hereinabove provided. Upon written request of the legislative body of any incorporated area in which there is no municipal planning commission, the Commission will pass upon subdivision plats within said incorporated area, and such plats shall be subject to all the appropriate provisions of these regulations.

1005.050 Preliminary Plan.—1. In seeking to subdivide land into building lots, or to dedicate streets, alleys, or land for public use, or to subdivide land into building lots, together with the dedication or reservation of public or private streets respectively, the owner shall submit seven black-and-white copies of the preliminary sketch plan to the Commission before submission of the final plan. Plats containing three lots or less may be exempted from the provisions of this section. The preliminary plan is to be drawn to a scale of 100 feet to the inch, but if the subdivision contains more than 160 acres the plan may be at a scale of 200 feet to the inch, and shall show:

(1) The location of present property, section, U.S. Survey and congressional township lines and lines of incorporated areas, sewer districts, public water supply and drainage districts, school districts and other legally established districts, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto.

(2) The proposed location and width of streets, alleys, lots, building and set-back lines and easements.

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures

within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.

(4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

(5) The names and adjoining boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of unsubdivided land.

(6) Contours with intervals of five feet or less referred to sea level datum.

(7) North point, scale and date.

(8) Any zoning district or districts that affect the property to be subdivided.

(9) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets, and the width and type of pavement, location, size, type of sanitary sewers or other sewage disposal facilities, water mains and hydrants and other utilities; storm water drainage facilities and other proposed improvements, such as sidewalks, planting and parks, and any grading of individual lots.

2. Preliminary Plan. (1) Preliminary plans not containing all of the above data will not be approved by the County Planning Commission. Approval of the preliminary plan does not constitute an acceptance of the subdivision by the Commission. One copy of the approved preliminary plan, signed by the Chairman of the Commission, shall be retained in the office of the Commission. One signed copy to be given to the subdivider. Receipt of this signed copy is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improve-

ments required in Section 1005.180 of these Rules and Regulations and with the preparation of the final plat. Prior to the construction of any improvements required in Section 1005.180 or to the submission of any bond, the subdivider shall furnish the commission all plans, information and data necessary for said improvements. These plans shall be examined by the Commission and will be approved if in accordance with the requirements of Section 1005.180 of these Rules and Regulations. Following this approval construction can be started or the amount of a bond determined. If the final plat conforms to the approved preliminary plat and if the necessary improvements are constructed in accordance with the approved plans therefor or a satisfactory bond or a satisfactory escrow agreement submitted assuring or guaranteeing their construction in accordance with the approved plans, the final plat will be approved by the Commission.

(2) The escrow agreement, hereinbefore provided, shall:

(a) be prepared or approved by the County Counselor;

(b) be executed by the Planning Director subject to the approval of the County Council;

(c) guarantee the improvements set forth in the approved preliminary plan by providing for a deposit with a qualified escrow depository of that sum of lawful money of the United States of America with the Planning Director shall reasonably estimate as the cost of said improvements;

(d) provide that the escrowed sum shall be held in special escrow account by the escrow holder, subject to the audit of the Planning Director.

3. The escrowed sum shall be held by the escrow holder, as in the agreement provided, until such time as the Planning Director shall, by written authorization addressed to the escrow holder, release the escrow sum. The Planning Director shall release the escrow sum for disbursement by the escrow holder for the payment of labor and materials used in the construction and installation of the improvements guaranteed, as the work progresses and when approved by the Planning Director. In no case shall the Planning Director authorize the release nor shall the escrow holder release more than 70% of the escrow sum until said improvements and installations have been completed in a satisfactory manner in accordance with the Subdivision Regulations and approved by the St. Louis County Planning Commission. (O. No. 1447)

1005.060 Final Plat.—1. The final plat on tracing cloth and five black-and-white prints thereof together with copies of any deed restrictions where such are too lengthy to be shown on the plat, and three prints of certified plans showing the improvements that have been constructed within the subdivision (or a bond assuring construction of said improvements in accordance with plans previously approved) shall be submitted to the Commission. Before approving the plat of all or part of a proposed subdivision the Commission will require proof that the improvements and revisions thereof required in Section 1005.180 have been satisfactorily completed. The Commission shall act upon the final plat within thirty days after it has been submitted unless the subdivider agrees to an extension of this period. The approval of the Commission shall be shown on the plat with the date of such approval and over the signature of the Chairman of the Commission.

2. The final plat is to be drawn at a scale of 100 feet or less to the inch from an accurate survey and on one or more sheets whose maximum dimensions are 29 inches by 34 inches. In certain unusual instances where the subdivided area is of unusual size or shape, the Commission may permit a variation in the scale or size of the final plat. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet together with all areas shown on other sheets.

3. The final plat shall show:

(1) The boundary lines of the area being subdivided with accurate distances and bearings; also all sections, U.S. Survey and congressional township lines and the boundary lines of incorporated areas, sewer, school and other legally established districts within or adjoining the subdivided area.

(2) The lines of all proposed streets and alleys with their width and names.

(3) The accurate outline of any property which is offered for dedication for public use.

(4) The line of departure of one street from another.

(5) The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names.

(6) All lot lines and an identification system for all lots and blocks.

(7) Building lines and easements for rights-of-way provided for public use, services or utilities with figures showing their dimensions.

(8) All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, easements for building lines, and of any other areas for public or private use, the linear

dimensions are to be expressed in feet and decimals of a foot.

(9) Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

(10) All survey monuments and bench marks together with their descriptions.

(11) Name of subdivision and description of property subdivided, showing its location and extent, points of compass, scale of plan, and name of owner or owners or the subdivider.

(12) Certification by a reputable civil engineer or surveyor to the effect that the plan represents a survey made by him and that all the necessary survey monuments are correctly shown thereon.

(13) Private restrictions and trusteeships and their periods of existence. Should such restrictions and trusteeships be of such length as to make the lettering of same on plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. Plats shall contain proper acknowledgments of owners and the consent by the mortgagee to said plat and restrictions.

(14) Before it is recorded a certificate shall accompany the final plat, showing that all taxes payable shall have been previously paid in full.

1005:070 Acre Subdivision.—Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be resubdivided into smaller building plots, consideration must be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit of a logical arrangement of smaller lots.

1005.080 Relation to Adjoining Street System.—1. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) in so far as they may be deemed necessary by the Commission for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. In general, provisions should be made for through streets at intervals of approximately one-half mile or less. Offset streets should be avoided.

2. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. The proposed street names shall be checked against duplication of street names and approved by the Post Office Department.

1005.090 Streets in Relation to Railroads, Superhighways and Parkways.—When the area to be subdivided adjoins or contains, for a considerable distance, a railroad right-of-way, a superhighway or a parkway, a street should be dedicated approximately parallel to the side of such right-of-way and in determining the distance of such parallel street from the right-of-way of the railroad, superhighway or parkway, consideration should be given to the distance required for approach grades to future grade separations.

1005.100 Street and Alley Width.—1. The minimum width for major highways shall be the smallest width designated on the County Major Highway Plan,

as adopted by the Planning Commission on December 8, 1942 and ratified by Section 1005.010 SLCRO, and any subsequent amendments and additions thereto.

2. The minimum width for minor streets shall be fifty feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission may waive the above requirements. When streets adjoin unsubdivided property a half-street not less, however, than thirty feet in width may be dedicated and whenever the subdivided property adjoins a half-street the remainder of the street shall be dedicated.

3. The minimum width of an alley in a residential block shall be fifteen feet, but such alleys are not recommended except under unusual conditions. Alleys will be required in the rear of all business lots and shall be at least twenty feet wide. A five-foot cut-off shall be made at all acute angle alley intersections. Adequate provision for off-street parking is to be made in connection with all platted business lots and in such other places where there may be such a concentration of vehicles that congestion of adjoining streets will result.

4. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of all rear lot lines, and along side lot lines where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along or across lots where necessary for the extension of main storm and sanitary sewers and other utilities, and where both water and sewer lines are located in the same easement. (A. O. No. 2346)

1005.110 Blocks.—1. No block shall be longer than fifteen hundred feet between street lines. Blocks over

seven hundred and fifty feet in length shall have a cross-walk near the center of the block. The right-of-way for such walks shall not be less than ten feet in width.

2. In platting residential lots containing from six thousand square feet to fifteen thousand square feet, it is recommended that the depth of the block not exceed three hundred feet.

3. Where it is desirable to subdivide a tract of land, which because of its size or location, does not permit an allotment directly related to a normal street arrangement, there may be established one or more "Places". Such a place may be in the form of a court, a deadend street, or other arrangement; provided, however, that proper access shall be given to all lots from a dedicated place (street or court). If such a place is more than two hundred and fifty feet in length it shall terminate in an open space (preferably circular) having a minimum radius of fifty feet. Except in unusual instances no dead-end street or place shall exceed one thousand feet in length.

1005.120 Lots.

(a) All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines unless a variation to this rule will give a better street and lot plan. Lots with double frontage should be avoided.

(b) Except as provided in Section 1005.130 and 1005.30 hereof, the average minimum width of residential lots shall be fifty (50) feet at the building line and a rectangular or irregular shaped lot that is to be used for residential purposes shall contain an area of not less than six thousand (6,000) square feet; provided, however, that where the lot area regulations of any zoning ordinance or order require a larger lot

area, then the requirement of such zoning ordinance or order shall govern.

(c) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and the side of the lots adjoining the streets. Extra width should be provided on all corner lots irrespective of whether they rear upon lots facing the side streets.

(d) Lots on major highway intersections and at all other acute angle intersections which, in the opinion of the Commission, are likely to be dangerous to traffic movement shall have a radius of twenty (20) feet at the street corner. On business lots a chord may be substituted for the circular arc. Where grade separation structures are proposed at the intersection of major highways, the lots and improvements in the subdivision shall be arranged so as to make adequate provision for such structures.

(e) Residential lots shall conform to the following minimum frontage requirements:

1. All lots containing an area of ten thousand (10,000) square feet or more but less than twelve thousand (12,000) square feet shall have a minimum frontage of seventy-five (75) feet.

2. All lots containing an area of twelve thousand (12,000) square feet or more but less than fifteen thousand (15,000) square feet shall have a minimum frontage of eighty (80) feet.

3. All lots containing an area of fifteen thousand (15,000) square feet or more but less than twenty thousand (20,000) square feet shall have a minimum frontage of ninety (90) feet. (O. No. 1179, s. 2).

1005.130. Exceptions in Neighborhood Unit Developments.—Whenever a subdivision is developed as a

modern neighborhood unit, wherein adequate park or playground area is provided, through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type the Commission may vary the requirements of Sections 1005.100, 1005.110 and 1005.120 in order to allow the subdivider more freedom in the arrangements of the street and lots, but at the same time protect the convenience, health, welfare and safety of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire county. In no case, however, shall the average lot area per family requirement be less than is required in any zoning regulation applying to the property, or in the absence of any zoning regulations, the average lot area per family shall not be less than six thousand square feet for single family residences or less than four thousand square feet per family for lots upon which residences are to be erected for more than one family.

1005.140 Building Lines.—Building lines shall be shown on all plats of lots intended for residential use of any character, and on commercial or industrial lots immediately adjoining residential areas. Such building lines on lots adjacent to major highways shall not be less than the building and setback lines established by any order of the County Court or County Council. In all cases, building lines shall not be less than required by any zoning regulation applying to the property. Where the subdivided area is not under zoning control the subdivider shall establish building lines in accordance with the needs of each addition, but in no case shall such building lines be less than thirty feet from the right-of-way of the street or highway upon which the lot fronts, except where all the frontage on one side of the street between two intersecting streets is to

be used for commercial or industrial purposes the minimum building line shall not be less than twenty feet from the right-of-way lines of the streets adjoining said commercial or industrial area. Restrictions requiring buildings to be set back to such building lines shall either be shown on the plat or shall be contained in a separately recorded instrument and referred to on the plat. Restrictions shall also be made and either shown on or referred to on the plat, requiring all buildings used for residential purposes to be set back not less than five feet from the side lot lines, except on corner lots, and not less than twenty-five feet from rear lot lines.

1005.150 Character of Development.—The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control and the type of structures, or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the creation of a property owners' association or board of trustees for the proper protection and maintenance of the development in the future, provided, however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area or that are common use or benefit which are not or cannot be satisfactorily main-

tained by any existing public agency, provisions shall be made by trust agreement made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

1005.160 Parks, School Sites, etc.—In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to the recommendations of the Commission in its adopted master plan or portion thereof of the County. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate taxing agency.

1005.170 Easements Along Streams.—Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate easement along each side of the stream, for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

1005.180 Improvements.—Plans for improvements required in this section shall be prepared by an engineer, duly registered in accordance with Chapter 327 RSMo. 1959. The improvements listed below in subdivisions (1), (2), (3), (4), (5), (6), and (7) of this section shall be installed prior to the approval of the final plat, which is prepared for recording purposes. In lieu of actual completion of such improvements, the subdivider may file with the Commission a surety bond to secure to the County the actual construction of such improvements in a manner satisfactory to the County Council and within a period

specified by the Commission, but such period shall not exceed two years. Such bond shall be in the amount and with surety and conditions satisfactory to the County Council and shall be accompanied by signed statements from the Commission that the amount of the bond is adequate to cover the cost of the improvements. The owner of the tract may prepare and secure tentative approval of a final subdivision plat of the entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plan is approved for recording, and the owner may sell or lease or offer for sale or lease lots only in the improved portion of said property; provided, however, that trunk sewers and sewage treatment plants be designed and built to serve the entire area or designed and built in such a manner that they can easily be expanded, or extended, as the case may be to serve the entire area.

(1) **Permanent Markers:** All subdivision boundary corners and the four corners of all street intersections shall be definitely marked with permanent monuments. A permanent marker shall be deemed to be concrete with a minimum dimension of four inches extending below the frost line or steel pipe firmly imbedded in concrete which extends below the frost line. Should conditions prohibit the placing of monuments on line, off-set marking will be permitted, provided, however, that exact off-set courses and distances are shown on the subdivision plat. A permanent bench mark shall be accessibly placed, the elevation of which shall be based on the City of St. Louis directrix, and accurately noted on the subdivision plat.

(2) **Street Improvements:** All streets shall be graded and the roadway improved by surfacing. Roadway surfacing shall be in accordance with the St.

Louis County standard specifications. The Zoning Enforcement Officer shall approve subdivisions with lots of 100 foot frontage when the developer installs paving with a width of 20 feet including a 16 foot bituminous macadam pavement with 2 foot concrete gutters on each side of the 16 foot bituminous macadam pavement, but sodded gutters shall not be considered after August 19, 1949 because of absence of specifications for said sodded gutters. All grading and surfacing shall be done under supervision of the County Highway Engineer and shall be subject to approval. The treatment of the intersection of any new street with a State highway shall be approved by the Division Highway Engineer.

(3) Sidewalks: (a) Sidewalks shall be required along both sides of all streets including major highways, collector streets and minor streets located in all residential zoning districts regardless of lot size, except that sidewalks shall not be required along controlled access highways. The requirements for sidewalks as herein provided may be waived by the Planning Commission on petition of the subdivider where not deemed essential for the public safety by the Planning Commission. (b) Sidewalks shall be constructed in accordance with the St. Louis County Standard Specifications. (O. No. 3419—Adopted 11/5/64)

(4) Water Lines: (a) Where an approved public water supply is reasonably accessible or procurable, the subdivider shall connect with such water supply and make it available for each lot within the subdivided area. Fire hydrants shall also be installed by the subdivider in accordance with the requirements of the Fire Underwriters when the subdivision lies in an area that is served by an established fire department. (b) Pending availability of a public water

supply, the subdivider shall construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot within the subdivision. The information furnished and the approval of same shall comply with the requirements of the State Board of Health. The water supply system shall be constructed under supervision of the County Health Department and the plat shall not be recorded until the regulations of the State Board of Health are complied with.

(5) Sewers: (a) Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide adequate sewer lines accessible to each lot. Sewer connections and subdivision sewer systems shall comply with the regulations of the State Board of Health, and shall be constructed under the supervision of the County Health Department and shall be approved by said Department. (b) Where a public sanitary sewer is not reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the State Board of Health, the subdivider shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases and until such connection is made with the sewer system of the district the use of a sewage treatment plant will be permitted, provided such disposal facilities are constructed in accordance with the regulations and requirements of the State Board of Health; constructed under the supervision of the County Health Department and approved by said Department. (c) Where no sewers are accessible and no plans for same have been prepared, the subdivider shall either install sewer lines and a disposal system in accordance with the require-

ments of the preceding paragraph, or if the subdivided lots have a minimum width of one hundred feet and contain an average area of twenty thousand square feet or more he may install individual sewage disposal devices for each lot, but all such individual disposal sewage systems shall be erected in accordance with the regulations and requirements of the State Board of Health, and under the supervision of and approved by the County Health Department and the County Board of Plumbing Supervisors. (d) Adequate provision shall be made for the disposal of storm water subject to the approval of the Commission.

(6) The subdivider should plant trees on all streets in new residential subdivisions that are not located in wooded areas. Before the trees are planted, the subdivider should submit a plan of such planting to the Commission for its study and recommendation, to prevent the planting of certain species that would become nuisances because of insects or disease or because of their roots unduly interfering with sewer mains or other underground utilities.

(7) Street signs bearing the name of the street as designated on the final plat shall be placed at all street intersections. The location and installation of such signs shall be done under the supervision of the County Highway Engineer. The size, height, and type of sign shall be in accordance with the specifications of the County Highway Engineer. (A. O. No. 2627)

1005.190 Inspection and Permits.—1. Periodical inspections by the Planning Commission staff shall be made of the subdivision areas during the planning stages and as construction progresses. The Highway Division of St. Louis County shall inspect all streets and improvements within the street right-of-way and all storm sewers outside the Metropolitan St. Louis Sewer District during the progress of construction.

In the case of private streets in a subdivision, the Highway Division shall make its inspections as aforesaid, as the official representative of the Planning Commission and shall promptly report all defects and substandard work or materials to the Commission. A registered professional engineer shall prepare specifications for each subdivision and the improvements therein, in accordance with the requirements of St. Louis County.

2. No land shall be subdivided or re-subdivided by plat or deed without securing a subdivision permit from the Planning Commission. The fees for subdivision permits shall be as follows:

1 to 3 parcels, tracts or lots (Total area of original tract as of January 19, 1943, 3 acres or less in area) ..	Exempt from fee.
1 to 3 parcels, tracts or lots (which are further subdivision of original tract with a total area as of January 19, 1943, of more than 3 acres) ..	\$1.00 per lot.
4 to 10 parcels, tracts or lots ..	\$10.00.
10 to 20 parcels, tracts or lots ..	\$10.00 plus 1.00 per lot.
Over 20 parcels, tracts or lots ..	\$25.00 plus 1.00 per lot.

No construction shall commence without first obtaining a subdivision construction permit from the Planning Commission and without first giving 48 hours notice of the work proposed to be done. The cost of such permit shall be 1% of the estimated cost of such improvements, including paving, and storm sewers and sanitary sewers and sewage disposal plants outside of the Metropolitan St. Louis Sewer District, and such other improvements as may be provided or required, and if the persons applying for such construction permits have paid the subdivision permit fees as above required the amount thereof shall be credited on the cost of the construction permit. Subdivision fees and construction fees hereunder shall be

accounted for by the Planning Commission at the end of each month.

3. The Planning Commission shall also collect at the time that the construction fees are paid, inspection fees for the account of the Highway Division at the rate of \$4.00 per hour, or \$32.00 per day, based upon the Highway Engineer's estimate of time required to inspect storm sewers and other drainage structures outside of the Metropolitan St. Louis Sewer District, and the streets, public or private, including paving. The Highway Division shall be entitled to full compensation for the time consumed in making such inspections. If the estimated fee is inadequate, the necessary additional fees shall be collected by the Planning Commission upon notice from the Highway Division, and if the estimated fee is in excess of the amount actually expended, the balance shall be refunded by the Highway Division. Claims for such refunds shall be made to the Highway Division and shall be paid when audited and approved by the Highway Engineer.

4. In addition to all fees provided for herein, the persons developing the subdivision shall pay for and arrange for inspections by the Plumbing Department and Health Department as may be required by other ordinances and regulations of St. Louis County.

5. The Planning Commission shall at the end of each month account for the inspection fees collected for the account of the Highway Division and shall pay the same into the Road and Bridge Fund of St. Louis County. (A. O. No. 3057)

1005.200 Variations and Exceptions.—Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the

requirements contained in these Regulations would result in real difficulties and substantial hardships or injustices, the Commission may vary or modify such requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interest of the County are protected and the general intent and spirit of these Regulations are preserved.

1005.210 Administration and Amendment.—The Commission may, from time to time, adopt, amend and publish rules and instructions for the administration of these Regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be changed or amended by the Commission after public hearing, due notice of which shall be given as required by law.